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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,307	05/11/2001	Solomon Friedman	204,896	7818

7590 04/06/2007  
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EXAMINER
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JACKSON, JENISE E.

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/854,307	<b>Applicant(s)</b> FRIEDMAN, SOLOMON	
	<b>Examiner</b> Jenise E. Jackson	<b>Art Unit</b> 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 43-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 43-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-32, 43-52 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Flaherty(6,275,824).
3. As per claim 1, O'Flaherty et al. discloses a system for conducting a transaction with privacy on a wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said system including a plurality of personal access devices(PADs) each contained in a manually portable housing and capable of generating interactive commands transmitted wirelessly(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), a privacy provider(i.e. privacy proxy) for communication with the PADs(see col. 14, lines 9-30), a privacy network, a plurality of vendors, with each of the privacy provider, the privacy network, and the plurality of vendors connected to a wide area network for communication with each other(see col. 14, lines 8-30); each PAD including memory for storing unique privacy subscriber identification data corresponding to a subscriber to the system(see col. 5, lines 1-38), each manually portable PAD storing a subscriber profile including information related to the subscriber(see col. 5, lines 1-13); wherein the privacy provider is privacy service provider(PSP) which stores at least a portion of the subscriber profile of each manually portable PAD, each manually portable PAD being accessible by the PSP based on the first predetermined subscriber information that sets a first condition for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the PAD or

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manually authorization of the transaction by querying the subscriber to enter a command into the PAD as established by the subscriber in the subscriber's profile for controlling the processing of requests for authorization of the transaction(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30), and the PSP being responsive in real-time to interactive and wirelessly transmitted commands from the manually portable PAD; wherein each vendor is registered with the privacy network as a registered vendor in order to conduct the transaction involving a subscriber(see col. 9, lines 6-23); wherein the privacy network is a privacy shield network structured to carry communications relating to the transaction between the PSP and a specific RV based on second predetermined subscriber information that sets a second condition as specifically established by the subscriber in the subscriber's profile for controlling the completion of the transaction(see col. 13, lines 11-60); whereby the specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 8, lines 46-61).

4. As per claim 2, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to said RV only under said first and second conditions(see col. 5, lines 1-38).

5. As per claim 3, O'Flaherty discloses wherein the PSP includes memory for storing the profile and the private data(see col. 5, lines 1-6, 17-38).

6. As per claim 4, O'Flaherty discloses wherein said PSP controls access by the RV to the PAD under the first and second conditions(col. 14, lines 8-30).

7. As per claim 5, O'Flaherty discloses wherein said PSP includes a network server(see col. 14, lines 10-13).

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8. As per claim 6, O'Flaherty discloses wherein said RV includes a network server(see col. 14, lines 11-12).

9. As per claim 7, O'Flaherty discloses wherein said PSN includes a network server(see col. 5, lines 30-38).

10. As per claim 8, O'Flaherty discloses wherein said PSP controls access by said RV to said profile under said second conditions(see col. 14, lines 8-30).

11. As per claim 9, O'Flaherty discloses a second registered vendor (RV) connected to the wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said PSP being accessible by said second RV under third conditions set by said profile(see col. 14, lines 8-30), said second RV being accessible by the first mentioned RV under fourth conditions set by said second RV and said first RV being accessible by said second RV under fifth conditions set by said first RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

12. As per claim 10, O'Flaherty et al. discloses wherein said second conditions include authorization conditions for authorizing the transaction among said PAD, said first RV and said second RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

13. As per claim 11, O'Flaherty discloses wherein said authorization conditions include a first authorization for authorizing the second RV to complete an intermediate transaction with said first RV(see col. 13, lines 25-60).

14. As per claim 12, O'Flaherty discloses wherein said first authorization is sent from said PSP to said second RV over said PSN, said PSN preventing said first RV from access to first authorization(see col. 14, lines 45-65).

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15. As per claim 13, O'Flaherty discloses wherein said second conditions include authorization conditions for authorizing the transaction between said PAD and said RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

16. As per claim 14, O'Flaherty discloses wherein said authorization conditions control whether said first RV is authorized to request a response from said PAD(see col. 14, lines 8-30).

17. As per claim 15, O'Flaherty discloses wherein the wide area network is the Internet(see col. 14, lines 21-23).

18. Also, as per claim 16, O'Flaherty discloses a personal access device (PAD) associated with a subscriber for conducting a transaction with privacy on a wide area network (see col. 4, lines 61-67, col. 5, lines 13-16), operating in a system including a plurality of such personal access devices(PADs) each contained in a manually portable housing and capable of generating interactive commands transmitted wirelessly (see col. 5, lines 1-9, 13-22,col. 14, lines 9-30), a privacy provider for communication with the PADs, a privacy network, and a plurality of vendors, with each of the privacy provider(see col. 14, lines 8-30), the privacy network, and the plurality of vendors connected to a wide area network for communication with each other, the improvement in the PAD, a memory for storing unique privacy subscriber, and a profile of the subscriber; a manually actuatable command generator for generating the interactive commands(see col. 5, lines 1-9, 13-22); a wireless transmitter for wirelessly transmitting the interactive commands to a privacy service provider (PSP) from the PAD, the PSP being the privacy provider and responsive in real-time to the wirelessly transmitted interactive commands, and with the PSP being connected to the wide

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area network(see col. 4, lines 49-63, col. 5, lines 1-46), wherein the PSP stores at least a portion of the subscriber profile of each manually portable PAD; and a receiver for receiving authorized requests from the PSP, the PSP communicating with said PAD under first predetermined subscriber information that sets a first condition for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the PAD or manual authorization of the transaction by querying the subscriber to enter a command into the PAD as established by the subscriber in the subscriber's profile for controlling requests for authorization of the transaction (see col. 5, lines 1-46), each authorized request having been received by the PSP over a privacy shield network as the privacy network connected to the wide area network from another PSP or from a vendor(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30), wherein each vendor is registered with the PSN as registered vendor(RV) with a specific RV communicating with the PSP based on second predetermined subscriber information that sets a second condition as specifically established by the subscriber in the subscriber's profile for controlling the completion of the transaction; whereby the specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 4, lines 61-67, col. 5, lines 13-16).

19. As per claim 17, wherein the PSP receives first requests over the PSN and determines which ones of the first requests are authorized requests under the first conditions set by the profile(see col. 5, lines 30-44, col. 14, lines 8-30).

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20. As per claim 18, O'Flaherty discloses wherein if the PSP determines that one of the first requests is not an authorized request, the PSP selectively responds to this first request over the PSN under second conditions set by said profile(see col. 14, lines 8-30).

21. As per claim 19, O'Flaherty discloses wherein said PAD is in the form of a card(see col. 5, lines 1-16, col. 14, lines 25-30).

22. As per claim 20, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein the PSP releases any of said private data to the RV only under said first and second conditions (see col. 5, lines 1-38).

23. As per claim 21, O'Flaherty discloses wherein the PSP includes memory for storing said profile and said private data(see col. 5, lines 1-6, 17-38).

24. As per claim 22, newly added limitations have already been addressed(see claim 1).

Also, as per claim 22, O'Flaherty discloses a privacy provider operating in a system for conducting a transaction with privacy on a wide area network, the system including a plurality of personal access devices(PADs) each contained in a manually portable housing and capable of generating interactive commands transmitted wirelessly(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), with the privacy provider in communication with the PADs, a privacy network, and a plurality of vendors, with each of the privacy provider, the privacy network, and the plurality of vendors connected to a wide area network for communication with each other(see col. 14, lines 9-30), the improvement in the privacy provider, a privacy provider being the privacy provider and a receiver for receiving the interactive commands transmitted wirelessly from the PAD, a server, responsive in real-time to the wirelessly transmitted interactive commands from the manually portable PAD(see col. 5, lines 1-16, col. 14, lines 25-30), with the PAD including



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memory for storing unique privacy subscriber identification data corresponding to a subscriber to the system, and with the manually portable PAD storing a subscriber profile including information related to the subscriber, with the server of the PSP including memory which stores at least a portion of the subscriber profile of each manually portable PAD, for communicating with the vendors(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), wherein each vendor is registered with the PSP as a registered vendor in order to conduct the transaction involving a subscriber over the privacy network operating as a PSN based on first predetermined subscriber information that sets a first condition for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the PAD or manual authorization of the transaction by querying the subscriber to enter a command into the PAD as established by the subscriber in the subscriber profile for controlling the completion of communications and in accordance with wirelessly transmitted interactive commands received from the PAD(see col. 4, lines 49-63, col. 5, lines 1-46), the server also for receiving first requests from a specific RV and for determining which ones of the first requests are authorized requests based on second predetermined subscriber information that sets a second condition as specifically established by the subscriber in the subscriber profile for controlling the communications; and a transmitter for transmitting in real-time the authorized requests to the PAD; whereby the specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 4, lines 61-67, col. 5, lines 13-16).

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25. As per claim 23, O'Flaherty discloses wherein said server is for communicating with a plurality of RVs over the PSN in the same way as with the first-mentioned RV(see col. 14, lines 8-30).

26. As per claim 24, O'Flaherty discloses wherein the PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to the RV only under said first and second conditions(see col. 5, lines 1-38).

27. As per claim 25, O'Flaherty discloses wherein said PSP also stores said profile and said private data(see col. 5, lines 1-6, 17-38).

28. As per claims 26, 32, limitations have already been addressed(see claim 1). Also, as per claims 26, 32, O'Flaherty discloses a privacy network operating in a system for conducting a transaction with privacy on a wide area network, the system including a plurality of personal access devices each contained in a manually portable housing capable of generating interactive commands transmitted wirelessly(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), with at least one privacy provider in communication with the PADs, and a plurality of vendors, with each of the privacy providers, the privacy network, and the plurality of vendors connected to a wide area network for communication with each other, the improvement in the privacy network a privacy shield network being a privacy shield network being the privacy network and a first server structure for controlling registration of vendors as registered vendors in order to conduct the transaction involving a subscriber(see col. 14, lines 8-30), with the PSN in communication with each of the privacy service providers, where the PSN prevents transfer of communications from unregistered vendors to any of the PSPs and RVs; and a second server structure for controlling communications using the wide area network from any of the PSPs and RVs to any of the PSPs

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and RVs participating in the transaction(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), wherein the second server structure controls any communication in real-time between a first one of the PSPs and any other one of the PSPs and RVs based on first predetermined subscriber information that sets a first condition for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the PAD or manual authorization of the transaction querying the subscriber to enter a command into the PAD for controlling the processing of communications as established by the subscriber in the subscriber's profile stored in memory of the PAD and controlled by the first PSP(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30), with real-time control of communications performed by interactive commands transmitted wirelessly from the manually portable PAD accessible to each PSP; wherein the memory of the PAD stores unique privacy subscriber identification data corresponding to the subscriber; wherein the PSP stores at least a portion of the subscriber profile of each PAD; whereby a specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

29. As per claim 27, O'Flaherty discloses wherein said second server structure controls routing of communications from any of the PSPs and RVs to any of the PSPs and RVs over the wide area network(see col. 13, lines 34-60, col. 14, lines 8-30).

30. As per claim 28, O'Flaherty discloses wherein each PAD stores private data associated with the respective subscriber, and wherein the associated PSP releases any of said private data to any of the PSPs and RVs only under said first and second conditions(see col. 5, lines 1-38).

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31. As per claim 29, O'Flaherty discloses wherein at least one of the PSPs also stores said profile and said private data of the respective subscriber(see col. 5, lines 1-6, 17-38).

32. As per claim 30, limitations have already been addressed(see claim 1). Also, as per claim 30, O'Flaherty discloses a method of conducting a transaction with privacy using a privacy shield network (PSN) connected to a wide area network(see col. 5, lines 1-9, 13-22), the method including the steps of, storing a profile of a subscriber in memory of the PAD contained in a manually portable housing and associated with the subscriber(see col. 5, lines 1-38), wherein the privacy network is a privacy service network; storing in the memory of the PAD unique privacy subscriber identification data corresponding to the subscriber; generating interactive commands using the PAD; wirelessly transmitting the interactive commands from the PAD(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30); accessing the PAD in real-time under first condition for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the respective PAD or manual authorization of the transaction by querying the subscriber to enter a command into the respective PAD as established by the subscriber in the subscriber profile for controlling the processing of requests for authorization of the transaction using a privacy service provider as the privacy provider connected to the wide area network the PSP being controlled by the wirelessly transmitted interactive commands from the PAD(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30); storing at least a portion of the subscriber profile of each PAD in a memory of the PSP; providing a privacy shield network as the privacy network; registering a vendor with the PSN as registered vendor connected to the wide area network in order to conduct the transaction involving a subscriber(see col. 4, lines 61-67, col. 5, lines 13-16); and transmitting communications between the PSP and a specific RV

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based on second predetermined subscriber information that sets a second condition as specifically established by the subscriber in the subscriber profile for controlling the completion of the transaction using the PSN; whereby the specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 5, lines 1-38, col. 14, lines 9-30).

33. As per claim 31, it is rejected under the same basis as claim 1.

34. As per claim 43, O'Flaherty discloses an XML privacy service provider as the privacy provider linked to the Internet for communication; a plurality of private XML subscriber data files accessible to the PSP, each file being associated with a respective subscriber(see col. 4, lines 61-67, col. 5, lines 1-16); a memory in the PAD for storing unique privacy subscriber identification data corresponding to the subscriber and for storing a subscriber profile, with the PAD being a subscriber programmable personal access device(PAD) that provides subscriber access to the respective file and profile and communicates in real-time with the PSP using interactive commands transmitted wirelessly from the PAD; and a plurality of registered vendors(RVs) as the vendors, each vendor being registered with a privacy shield network as the privacy network in order to conduct the transaction involving the subscriber, with the RVs linked to the Internet for communication with the subscribers under conditions set by the respective files through the PSP(see col. 5, lines 1-38, col. 14, lines 8-30) for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber to enter a command into the respective PAD; whereby a specific RV completes the transaction based on communications with the PSN and without access to personal data of the

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subscriber, thereby preserving the privacy of the subscriber(see col. 5, lines 1-9, 13-22, col. 14, lines 9-30).

35. As per claim 44, O'Flaherty discloses wherein the PSP includes means for receiving communications from a subscriber; means for transmitting a subscriber's file to that subscriber and for changing data in the subscriber's file in response to the subscriber's authorization; and means for communicating with an RV in connection with a subscriber's file(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64).

36. As per claim 45, O'Flaherty discloses wherein each XML subscriber data file includes at least one of the following, subscriber identifying data; subscriber credit account data; subscriber cash account data; subscriber product preference identifiers; and subscriber product exclusion identifiers (see col. 6, lines 50-67, col. 10, lines 49-64).

37. As per claim 46, O'Flaherty discloses wherein each PAD, a CPU, an operating system and a memory device; a battery; a wireless RF communication chip; an input/output interface(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64).

38. As per claim 47, O'Flaherty discloses a portable battery-powered personal access(PAD) for use in a system for a plurality of individual subscribers to receive and transmit private personalized communications via the Internet, the system including an XML privacy service provider(PSP) as the privacy provider linked to the Internet for communication(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64), a plurality of private XML subscriber data files accessible to the PSP, each file being associated with a respective subscriber, the PAD being for each subscriber to access the respective file and communicate with the PSP, and a plurality of registered vendors(RVs) linked to the Internet for communication

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with the subscribers under conditions set by the respective files through the PSP(see col. 6, lines 50-67, col. 10, lines 49-64), wherein the PAD includes at least one programmable integrated circuit(IC) device that include encrypted identification means(see col. 10, lines 49-57, col. 15, lines 1-8); non-directional, short-range communication signal generation and receiving means for wirelessly transmitting interactive commands to the PSP in real-time(see col. 11, lines 35-60); a CPU, an operating system and a memory device for storing unique privacy subscriber identification data corresponding to the subscriber and for storing a subscriber profile utilized for proceeding with the transaction to perform either automatic authorization of the transaction without querying a subscriber with the respective PAD or manual authorization of the transaction by querying the subscriber to enter a command into the respective PAD; and an input/output interface(see col. 5, lines 1-9, 13-22), whereby a specific RV completes the transaction based on the communications with the PSN and without access to personal data of the subscriber, thereby preserving the privacy of the subscriber(see col. 14, lines 8-31).

39. As per claims 48, O'Flaherty discloses wherein said IC device is removable from said PAD(see col. 4, lines 61-67, col. 5, lines 1-16).

40. As per claims 49, O'Flaherty discloses wherein the encrypted identification means is a unique digital code embedded in ROM(see col. 10, lines 49-57).

41. As per claims 50, O'Flaherty discloses wherein said IC device is preprogrammed to disable the identification means in the event that security of the unique digital code is breached(see col. 4, lines 61-67, col. 5, lines 1-16, col. 10, lines 49-63).

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42. As per claims 51, O'Flaherty discloses a housing, an electronic display visible through an aperture in said housing and at least one manual actuator for controlling functions of said PAD(see col. 13, lines 34-60).

43. As per claims 52, O'Flaherty discloses a microphone having an on/off switch and a voice recognition program that converts voice to digital data for storage in said memory device(see col. 4, lines 61-67, col. 13, lines 34-60).

***Response to Amendment***

44. The Applicant states that O'Flaherty does not disclose a subscriber maintains her own personal profile on her PAD. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a subscriber maintains her own personal profile on her PAD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims claim, storing subscriber information on the PAD. O'Flaherty discloses a smartcard/loyalty card that has information stored regarding privacy preferences(see col. 5, lines 1-9).

45. The Applicant argues O'Flaherty lacks a PAD having memory for storing unique privacy subscriber identification data corresponding to a subscriber to the system which uniquely identifies the PAD with the subscriber, with each PAD also including the subscriber's profile, at least a portion of which is stored on a privacy service provider which acts as the privacy provider... Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to



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a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Final Action***

**46. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

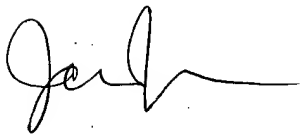
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



April 1, 2007



AYAZ SHEKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100